

1
2 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
3 THIRD JUDICIAL DISTRICT AT ANCHORAGE
4

5 RECEIVED

6 FEB 09 2018

7 Southcentral Foundation
8 Corp. Quality Assurance

9 COPY

10 Original Received

11 JAN 23 2018

12 Clerk of the Trial Courts

13 ISABELLE HARRIS, as Personal)
14 Representative of the ESTATE)
15 OF TOMMY S. ADAMS, SR.,)
16)
17 Plaintiff,)
18)
19 vs.)
20)
21 BRUCE C. STOCKHOUSE, M.D.;)
22 JESSICA L. DIAB, M.D.;)
23 and CALVIN B. DAVIS, D.O.,)
24)
25 Defendants.)
26)

Case No. 3AN-18-04344 CI

14
15 COMPLAINT

16 COMES plaintiff, through counsel, the law firm of Dillon &
17 Findley P.C., and for its respective causes of action, alleges
18 as follows:

19 1. Plaintiff Isabelle Harris, the personal
20 representative of the Estate of Tommy S. Adams, Sr., brings
21 this action on behalf of the Estate of Tommy S. Adams, Sr.
22 Tommy S. Adams, Sr. was, during all relevant times, a resident
23 of Anchorage, Alaska.

24 2. Defendant Bruce C. Stockhouse, M.D. is a medical
25 doctor who is licensed by the State of Alaska and has been,
26

COMPLAINT

Isabelle Harris, et al. v. Bruce C. Stockhouse, M.D., et al.

Case No. 3AN-18-04344 CI

Page 1 of 11
Case 3:18-cv-00046-JWS Document 1-1 Filed 02/20/18 Page 1 of 11

LAW OFFICES
DILLON & FINDLEY

A PROFESSIONAL CORPORATION

1049 W. 5th Ave., Suite 200

Anchorage, Alaska 99501

Tel: (907) 277-5400 • Fax: (907) 277-9896

1 during all relevant times alleged herein, a resident of
2 Anchorage, Alaska.

3 3. Defendant Jessica L. Diab, M.D. is a medical doctor
4 who is licensed by the State of Alaska and has been, during all
5 relevant times alleged herein, a resident of Eagle River,
6 Alaska.

7
8 4. Defendant Calvin B. Davis, D.O. is an osteopathic
9 doctor who was engaged in the Alaska Family Medical Residency
10 program sponsored by Providence Alaska Medical Center according
11 to licensing by the State of Alaska and has been, during all
12 relevant times alleged herein, a resident of Anchorage, Alaska.

13 5. Jurisdiction in this Court is proper under
14 AS 22.10.020. Venue is proper under AS 22.10.030 and Alaska
15 Rule of Civil Procedure 3.¹
16

17
18
19 ¹ This case involves care received at the Alaska Native
20 Medical Center. It is likely that some if not all of the
21 providers named were federal employees at the time of the care
22 rendered to Mr. Adams and their care is governed by the Federal
23 Torts Claims Act ("FTCA"). A proper administrative Form 95 has
24 been filed to toll the statute of limitations for the federal
25 action. However, federal case law does not protect the state
26 statute of limitations for any healthcare provider who is not
an employee of the federal government under the FTCA. Since
there is no way to ensure that the healthcare providers who
provided care to Mr. Adams were federal employees before the
expiration of the state statute of limitations, this Complaint
is necessary to require the United States Government to certify
the status of each provider involved in his care.

COMPLAINT

Isabelle Harris, et al. v. Bruce C. Stockhouse, M.D., et al.

Case No. 3AN-18-_____ CI

Page 2 of 11
Case 3:18-cv-00046-JWS Document 1-1 Filed 02/20/18 Page 2 of 11

1 FACTUAL BACKGROUND

2 6. On December 9, 2015, Tommy Adams, Sr. went to the
3 Alaska Native Medical Center ("ANMC") Emergency Room with
4 complaints of abdominal pain, shortness of breath and shaking
5 that had begun the night before. Mr. Adams was evaluated by
6 resident, Calvin Davis, D.O.
7

8 7. During Dr. Davis' evaluation, Mr. Adams' daughter
9 explained that Mr. Adams also had a cough for two to three
10 days, vomiting and a decreased appetite. Mr. Adams had a lapse
11 in the administration of his Lasix (a diuretic) for about a
12 week due to a pharmaceutical error, but had been taking it for
13 the last five days.
14

15 8. Dr. Davis ordered laboratory studies, a chest x-ray,
16 an electrocardiogram ("EKG"), and the administration of Lasix
17 and oxygen.

18 9. Mr. Adams' laboratory results showed an elevated
19 white blood cell ("WBC") count, an elevated Absolute Neutrophil
20 ("ANC") count, low red blood cell count, elevated brain
21 natriuretic protein ("BNP"), elevated blood urea nitrogen
22 ("BUN"), and elevated lactic acid. His chest x-ray is
23 described as showing hyperinflated lungs with bilateral patchy
24 opacities.
25
26

COMPLAINT

Isabelle Harris, et al. v. Bruce C. Stockhouse, M.D., et al.

Case No. 3AN-18- CI

Page 3 of 11 Case 3:18-cv-00046-JWS Document 1-1 Filed 02/20/18 Page 3 of 11

1 10. Dr. Davis re-evaluated Mr. Adams and noted that he
2 had improved after the administration of Lasix and oxygen.
3 Dr. Davis discharged him with a diagnosis of shortness of
4 breath, a prescription for an increase in his Lasix medication,
5 and instructions to follow-up with his primary care provider in
6 one to two days.
7

8 11. Later that day, there is an addendum to Mr. Adams'
9 medical record made by the attending physician, Jessica
10 Diab, M.D. Dr. Diab noted that she evaluated Mr. Adams and
11 agreed with Dr. Davis' assessment and findings. Dr. Diab
12 acknowledged Mr. Adams' elevated BNP and attributed it to his
13 lapse in administration of Lasix and specifically stated that
14 there is no evidence of pneumonia.
15

16 12. Neither Dr. Davis nor Dr. Diab discussed or explained
17 Mr. Adams' elevated WBC, BUN or lactic acid.

18 13. As instructed by Dr. Davis, on December 11, 2015,
19 Mr. Adams, along with his granddaughter, presented to his
20 primary care provider, Bruce Stockhouse, M.D. Dr. Stockhouse
21 is an Internal Medicine doctor at ANMC's primary care clinic.
22

23 14. Mr. Adams was still experiencing difficulty with
24 breathing, decreased appetite and considerable weight loss.

25 15. After reviewing the emergency room record and
26 obtaining a history and exam from Mr. Adams. Dr. Stockhouse

COMPLAINT

Isabelle Harris, et al. v. Bruce C. Stockhouse, M.D., et al.

Case No. 3AN-18-_____ CI

Page 3 of 11 Case 3:18-cv-00046-JWS Document 1-1 Filed 02/20/18 Page 4 of 11

1 noted that Mr. Adams had crackles present, extending up further
2 on the right side than on the left. Mr. Adams' oxygen
3 saturation was noted at 92. Dr. Stockhouse attributed
4 Mr. Adams' breathing troubles to congestive heart failure.

5
6 16. Despite being told that Mr. Adams had been on the
7 increased diuretic prescription since his ER visit and that his
8 breathing problems persisted, Dr. Stockhouse decided that the
9 absence of the diuretic for a week precipitated his symptoms.

10 17. Dr. Stockhouse wondered if his aortic stenosis was
11 worsening, leading to congestive heart failure.

12 18. Dr. Stockhouse ordered bloodwork, continued the
13 increase in his Lasix medication, prescribed a nebulizer and
14 suggested that he be evaluated in the ER if he experiences a
15 significant worsening of his breathing. He also noted his plan
16 to communicate with Mr. Adams' cardiologist to address his
17 cardiac suspicions.
18

19 19. Mr. Adams' labs showed that his already elevated WBC
20 had increased from 11.12 to 14.20, and his ANC had increased
21 from 10.10 to 13.31, and his BUN increased from 43 mg to 72 mg
22 since his visit to the ER. His lactic acid levels were not
23 tested. Dr. Stockhouse also did not re-order Mr. Adams' BNP
24 test.
25
26

COMPLAINT

Isabelle Harris, et al. v. Bruce C. Stockhouse, M.D., et al.

Case No. 3AN-18-_____ CI

Page 5 of 11

1 20. Later that evening, Dr. Stockhouse sent an email to
2 Dr. Peter Sapin, Mr. Adams' cardiologist, explaining that
3 Mr. Adams had been off of his diuretic, had findings of
4 progressive cardiomyopathy and bilateral opacifications on his
5 chest x-ray in the ER, and that he had an elevated BNP (relying
6 on the level from his ER visit). Dr. Stockhouse did not share
7 Mr. Adams' lab results beyond Mr. Adams' BNP. Dr. Stockhouse
8 reported the crackles and that Mr. Adams became easily dyspneic
9 with movement.
10

11 21. Dr. Sapin responded the next morning. He noted that
12 Mr. Adams' symptoms were probably from multivalve disease, but
13 also told Dr. Stockhouse that Mr. Adams' aortic stenosis was
14 not severe in February, and that his left ventricle ejection
15 fraction would not progress to severe that fast. Dr. Sapin
16 explained that a sooner cardiac visit may be wasted, but
17 offered to see him before the 23rd.
18

19 22. Dr. Stockhouse's chart note and email to Dr. Sapin
20 did not mention or explain Mr. Adams' other abnormal laboratory
21 results from December 9th and 11th.
22

23 23. Two days later, Mr. Adams' daughter found him on the
24 kitchen floor at his home and called 911. Mr. Adams had an
25 altered mental status and was hypoxic.
26

COMPLAINT

Isabelle Harris, et al. v. Bruce C. Stockhouse, M.D., et al.

Case No. 3AN-18-_____ CI

Page 6 of 11
Case 3:18-cv-00046-JWS Document 1-1 Filed 02/20/18 Page 6 of 11

1 24. After arriving by ambulance to the ER, a repeat chest
2 x-ray showed dense consolidation in his left lung with possible
3 pleural thickening or effusion. An ultrasound of his left
4 chest showed bright lung markings consistent with pneumonia and
5 he was started on antibiotics.

6
7 25. Mr. Adams was septic, in renal failure (believed to
8 be due to dehydration), and had lactic acidosis. He was
9 admitted to the hospital as a full code.

10 26. Mr. Adams battled the infection in the hospital until
11 he was pronounced unresponsive at 5:30 a.m. on January 24,
12 2016. There was no autopsy performed. The cause of death on
13 Mr. Adams' death certificate is severe "streptococcal
14 pneumonia" leading to "perforated viscus (starrad)" and "multi-
15 organ failure sepsis and cardiac arrest," which was the
16 immediate cause of death.
17

18 **COUNT I - WRONGFUL DEATH**

19 Plaintiff re-alleges paragraphs 1 through 26 as if fully
20 set forth herein, and further alleges as follows:

21 27. Defendant Bruce C. Stockhouse, M.D. owed a duty to
22 plaintiff Tommy Adams, Sr. to assess, diagnose and treat his
23 existing condition with the degree of care and/or knowledge or
24 skill possessed by or ordinarily exercised by medical doctors
25 trained or experienced in the field of internal medicine.
26

COMPLAINT

Isabelle Harris, et al. v. Bruce C. Stockhouse, M.D., et al.

Case No. 3AN-18-_____ CI

Page 7 of 11
Case 3:18-cv-00046-JWS Document 1-1 Filed 02/20/18 Page 7 of 11

1 28. Defendant Dr. Stockhouse either lacked the degree of
2 knowledge or skill or failed to exercise the degree of care
3 possessed by or ordinarily exercised by medical doctors trained
4 or experienced in the field of internal medicine and was
5 negligent and/or reckless in at least the following ways:
6 failing to properly assess Mr. Adams' condition, failing to run
7 the appropriate diagnostic tests, failing to properly diagnose
8 Mr. Adams' condition, and failing to properly treat Mr. Adams'
9 condition.
10

11 29. As a direct and proximate cause of negligent and/or
12 reckless conduct as above alleged, Dr. Stockhouse caused
13 Mr. Adams pain and suffering and death.
14

15 **COUNT II - WRONGFUL DEATH**

16 Plaintiff re-alleges paragraphs 1 through 29 as if fully
17 set forth herein, and further alleges as follows:

18 30. Defendant Jessica L. Diab, M.D. owed a duty to
19 plaintiff Tommy Adams, Sr. to assess, diagnose and treat his
20 existing condition with the degree of care and/or knowledge or
21 skill possessed by or ordinarily exercised by medical doctors
22 trained or experienced in the field of emergency medicine.
23

24 31. Defendant Dr. Diab either lacked the degree of
25 knowledge or skill or failed to exercise the degree of care
26 possessed by or ordinarily exercised by medical doctors trained

COMPLAINT

Isabelle Harris, et al. v. Bruce C. Stockhouse, M.D., et al.

Case No. 3AN-18-_____ CI

Page 8 of 11
Case 3:18-cv-00046-JWS Document 1-1 Filed 02/20/18 Page 8 of 11

1 or experienced in the field of emergency medicine and was
2 negligent and/or reckless in at least the following ways:
3 failing to properly assess Mr. Adams' condition, failing to run
4 the appropriate diagnostic tests, failing to properly diagnose
5 Mr. Adams' condition, and failing to properly treat Mr. Adams'
6 condition.
7

8 32. As a direct and proximate cause of negligent and/or
9 reckless conduct as above alleged, Dr. Diab caused Mr. Adams
10 pain and suffering and death.

11 **COUNT III - WRONGFUL DEATH**

12 Plaintiff re-alleges paragraphs 1 through 32 as if fully
13 set forth herein, and further alleges as follows:

14 33. Defendant Calvin B. Davis, D.O. owed a duty to
15 plaintiff Tommy Adams, Sr. to assess, diagnose and treat his
16 existing condition with the degree of care and/or knowledge or
17 skill possessed by or ordinarily exercised by medical doctors
18 trained or experienced in the field of emergency medicine.
19

20 34. Defendant Dr. Davis either lacked the degree of
21 knowledge or skill or failed to exercise the degree of care
22 possessed by or ordinarily exercised by medical doctors trained
23 or experienced in the field of emergency medicine and was
24 negligent and/or reckless in at least the following ways:
25 failing to properly assess Mr. Adams' condition, failing to run
26

COMPLAINT

Isabelle Harris, et al. v. Bruce C. Stockhouse, M.D., et al.

Case No. 3AN-18-_____ CI

Page 9 of 11

Case 3:18-cv-00046-JWS Document 1-1 Filed 02/20/18 Page 9 of 11

1 the appropriate diagnostic tests, failing to properly diagnose
2 Mr. Adams' condition, and failing to properly treat Mr. Adams'
3 condition.

4 35. As a direct and proximate cause of negligent and/or
5 reckless conduct as above alleged, Dr. Davis caused Mr. Adams
6 pain and suffering and death.
7

8 **COUNT IV - RESPONDEAT SUPERIOR**

9 Plaintiff re-alleges paragraphs 1 through 35 as if fully
10 set forth herein, and further alleges as follows:

11 36. Alaska Native Medical Center² and Dr. Jessica Diab
12 owed a duty to plaintiff Tommy Adams, Sr. to properly
13 supervise, train, and/or oversee the treatment provided by
14 Dr. Calvin Davis while acting as a resident at the Alaska
15 Native Medical Center as either an employee, borrowed servant,
16 dual employee or agent.
17

18 37. Alaska Native Medical Center and/or Dr. Diab failed
19 to properly supervise, train and/or oversee the treatment
20 provided by Dr. Davis. That failure proximately caused
21 Mr. Adams' death.
22
23
24
25

26 ² There is a pending Form 95 against Alaska Native Medical Center that encompasses this claim.

COMPLAINT

Isabelle Harris, et al. v. Bruce C. Stockhouse, M.D., et al.

Case No. 3AN-18- CI

Page 10 of 11

Case 3:18-cv-00046-JWS Document 1-1 Filed 02/20/18 Page 10 of 11

1 WHEREFORE, plaintiff prays for relief as follows:


2 1. For compensatory damages, in excess of \$100,000.00,
3 the exact amount to be proven at trial, including, but not
4 limited to, compensation for the wrongful death of Tommy S.
5 Adams, Sr.; for economic and noneconomic losses to the Estate
6 of Tommy S. Adams, Sr., including compensation for pain and
7 suffering experienced, loss of services, and for loss of
8 enjoyment of life;
9

10 2. For costs, attorney's fees, and pre-judgment
11 interest; and

12 3. For such other and further relief as the Court deems
13 just and proper.
14

15 DATED this 23rd day of January 2018, at Anchorage, Alaska.

16 DILLON & FINDLEY, P.C.
Attorneys for Plaintiff

17
18 By: 
19 Margaret Simonian
ABA No. 9901001
20
21
22
23
24
25
26

COMPLAINT

Isabelle Harris, et al. v. Bruce C. Stockhouse, M.D., et al.

Case No. 3AN-18-_____ CI

Page 11 of 11
Case 3:18-cv-00046-JWS Document 1-1 Filed 02/20/18 Page 11 of 11